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Senior Judge I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
Courtroom# 8B South, Chambers Room # 921 South

12 mc 150 (146)

October 12, 2012

Re: In Re Applications to Unseal 98 CR 1101, USA v. John Doe

Dear Senior Judge I. Leo Glasser:

Reuters News is writing to formally object to the barring of our journalists from the October 09, 2012, 2:30 pm motion hearing and to request access to the transcript of said hearing and that all future hearings for the case referenced above be open.

The case is of great public interest. Additionally, the closure obstructed newsgathering, a function essential to fostering an informed public. A closed court impedes this fundamental democratic value.

We respectfully remind the Court that the Supreme Court has consistently recognized that the press has a presumptive First Amendment right of access to judicial proceedings. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573, 580 n.17 (1980) (plurality opinion) ("historically both civil and criminal trials have been presumptively open" and "a presumption of openness inheres in the very nature of a . . . trial under our system of justice"); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13 (1986) (recognizing right of access to preliminary hearings); *See also* Dienes, Levine & Lind, *Newsgathering and the Law* § 3.01[1] (3d Ed. 2005) (collecting cases) ("[t]oday, almost all pretrial proceedings are presumptively open."). Additionally, the Second Circuit has held that "there is a significant benefit to be gained from public observation of many aspects of a . . . proceeding." *Application of The Herald Co.*, 734 F.2d 93, 102 (2d Cir 1984) (the First Amendment limits a trial judge's authority to exclude the public from a pretrial suppression hearing).

For this reason, we ask that the Court immediately provide access to the transcript of the October 09, 2012, 2:30 pm motion hearing and that all future hearings be open in connection with In Re Applications to Unseal 98 CR 1101, USA v. John Doe.

Respectfully,

Shmuel Bulka
Vice President, Principal Legal Counsel